

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LLOYD F. AUDETTE,

Plaintiff,

V.

UMASS CORRECTIONAL HEALTH SERVICES;
and KATHLEEN M. DENNEHY, Commissioner of
Correction;

Defendants.

CIVIL ACTION
NO. 05-10403-DPW

**ASSENTED-TO MOTION TO EXTEND TIME
TO FILE MOTION TO AMEND AND SUPPLEMENT COMPLAINT
AND FIRST AMENDED COMPLAINT**

Plaintiff, Lloyd F. Audette (“Mr. Audette”), respectfully requests an extension until July 22, 2005 to file his Motion to Amend and Supplement Complaint and First Amended Complaint.

As grounds for this motion, Mr. Audette states that:

1. Pursuant to the May 24, 2005 Order of this Court, Mr. Audette's motion to amend complaint and amended complaint were initially due on June 30, 2005.

2. On June 29, 2005, Mr. Audette filed an Assented-to Motion to Extend Time to File Amended Complaint and Status Report, requesting an extension for his attorneys to “finaliz[e] their initial investigation into this matter” so as to “determine what claims will be asserted in the Amended Complaint.” This Court granted that request.

3. Mr. Audette's attorneys have completed their initial investigation and have developed certain claims against additional proposed defendants, as reflected in the Status Report and attached draft First Amended Complaint and Jury Demand filed with the Court on Thursday, July 7, 2005. As reflected in that Status Report, Mr. Audette requires additional time to comply with Local Rule 15.1(b), and give the additional proposed defendants notice of his intent to file the Motion to Amend and Supplement Complaint.

4. Mr. Audette's attorneys served the Motion to Amend and Supplement Complaint on the additional parties on Monday, July 11, 2005, in accordance with Local Rule 15.1(b) and Federal Rule of Civil Procedure 5(b). In accordance with Local Rule 15.1(b), Mr. Audette will be able to file his Motion to Amend and Supplement Complaint, with the accompanying First Amended Complaint, on or about July 22, 2005.

5. Granting the requested extension until July 22, 2005 will provide Mr. Audette adequate time to comply with Local Rule 15.1(b) and will cause no prejudice to the current Defendants since the case is still in its preliminary phases and discovery has yet to be undertaken. For the same reasons, adding the proposed additional defendants at this early stage of the case will likewise cause no prejudice to those defendants.

WHEREFORE, Mr. Audette respectfully requests that the Court grant him an extension until July 22, 2005 to file his Motion to Amend and Supplement Complaint and First Amended Complaint.

LOCAL RULE 7.1(A)(2) CERTIFICATION

Undersigned counsel hereby certifies that he conferred with counsel for Defendant, UMass Correctional Health Program, on July 7, 2005, and with counsel for Defendant, Department of Corrections, on July 8, 2005, in an attempt to narrow the issues presented in this motion. Counsel for both Defendants informed counsel for Mr. Audette that they assented to this Motion to Extend Time to File Motion to Amend and Supplement Complaint and First Amended Complaint.

Respectfully submitted,

/s/ Brandon L. Bigelow

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Dated: July 11, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon counsel of record for each other party via first class mail and the CM/ECF system on July 11, 2005.

/s/ Brandon L. Bigelow

Brandon L. Bigelow